

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 NEA-10 IO-13 ISO-00 AF-08 ARA-06

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NASA-01

NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15

SAJ-01 NSCE-00 SSO-00 USIE-00 INRE-00 /117 W

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DISTO

E.O. 11652: N/A

TAGS: PARM, CCD

SUBJECT: CCD - ENMOD WORKING GROUP MEETING, AUGUST 23, 1976

REF: (A) GENEVA 6686; (B) GENEVA 6651

1. SUMMARY. ENMOD WORKING GROUP AUGUST 23, US WAS
PRESSED TO ACCEPT INDIAN COMPROMISE PROPOSAL ON
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ARTICLE I. ON BELHALF OF CO-SPONSORS US CIRCULATED INTER-

PRETATIVE STATEMENT ON ILLUSTRATIVE LIST OF EXAMPLES OF ENVIRONMENTAL PHENOMENA REFLECTING PRESENT LIST, BUT INTEREST IN EXPANDING LIST PRESISTED ON PART OF A NUMBER OF COUNTRIES. END SUMMARY.

2. IN RESPONSE TI INQUIRES FROM CHAIRMAN-OF-THE-DAY (HAMILTON, SWEDEN) AND FROM INDIAN REP (MISHRA), US REP (MARTIN) INDICATED THAT HIS SILENCE AT THIS TIME IN REGARD TO THE INDIAN "COMPROMISE" PROPOSALS ON THE PREAMBLE AND ARTICLE I (REPORTED PARA 5 REFTEL A) SHOULD NOT BE CONSTRUED AS A FORMAL REJECTION, BUT THAT HE WAS NOT ENCOURAGED ABOUT THEIR PROSPECTS. HIS INSTRUCTIONS, MARTIN ADDED, DID NOT PERMIT HIM TO CHANGE A SINGLE COMMA IN ARTICLE I.

3. MARTIN, ADDRESSING THE LEGAL ISSUE RAISED BY ARGENTINA AND CANADA (PARA 6 REFTEL B) IN RELATION TO THE USE OF THE TERMS "SIDE-SPREAD", "LONG-LASTING" AND "SEVERE" WITH DIFFERENT INTERPRETATIONS IN THE ENMOD AND LAWS OF WAR CONTEXTS, CIRCULATED ON BEHALF OF THE CO-SPONSORS THE FOLLOWING DRAFT OF A CCD INTERPRETATIVE STATEMENT TO BE INCLUDED IN ITS REPORT TO UNGA: "IT IS THE UNDERSTANDING OF THE COMMITTEE THAT THE INTERPRETATION OF THE TERMS 'WIDESPREAD', 'LONG-LASTING' AND 'SEVERE' CONTAINED IN ANNEX . . . TO THE CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES IS INTENDED EXCLUSIVELY FOR THAT CONVENTION AND IS NOT INTENDED TO PREJUDICE THE INTERPRETATION OF THE SAME OR SIMILAR TERMS IF USED IN CONNECTION WITH ANY OTHER INTERNATIONAL AGREEMENT."

4. NETHERLANDS ALT REP (MEERBOURG) SUPPORTED THE DRAFT UNDERSTANDING AS WRITTEN. JAPANESE REP (OGISO) MADE THE POINT THAT, SINCE THE ANNEX DEFINING THE TERMS "WSLLS" IS TO BEGIN WITH THE PHRASE "FOR THE PURPOSES OF THEIS CONVENTION . . .", THE DRAFT UNDERSTANDING IS NOT NECESSARY. HOWEVER, OGISO SAID, HE WOULD NOT OBJECT TO ITS INCLUSION IN THE CCD REPORT IF OTHER DELS SO DESIRE. AS A DRAFTING IMPROVEMENT, THE JAPANESE REP PROPOSED USING THE WORDS "DOES NOT PREJUDICE."N LIMITED OFFICIAL USE

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INSTEAD OF THE PHRASE "IS NOT INTENDED TO PREJUDICE." MISHRA, REMARKING THAT THE DRAFT INTERPRETATION PRE-SUPPOSES RETENTION IN ARTICLE I OF THE WORDS "WIDESPREAD, LONG-LASTING OR SEVERE", WHICH WAS NOT AGREED IN THE CCD, SUPPORTED THE GENERAL INTENT OF GOISO'S DRAFTING PROPOSAL, BUT WOJLD PREFER THE WORDS "DOES NOT PREJUDGE". BULGARIAN REP (GRINBERG) DECLARED THAT, IN VIEW OF THE ONGOING LAWS OF WAR NEGOTIATIONS, IT WOULD

NOT BE REDUNDANT TO HAVE A CCD INTERPRETATIVE STATEMENT OF THE TYPE PROPOSED; HE INDICATED A PREFERENCE FOR EITHER THE JAPANESE OR INDIAN WORDING. CANADIAN REP (SIMARD) INDICATED HE WOULD NEED TIME TO ASCERTAIN WHETHER THE INTERPRETATIVE STATEMENT FULLY SATISFIES THE CONCERNS OF HIS GOVERNMENT.

5. ON ARTICLE II, MARTIN NOTED WIDE AGREEMENT IN THE WORKING GROUP FOR REMOVING THE ILLUSTRATIVE LIST OF PHENOMENA FROM BOTH ARTICLE II AND THE ANNEX AND THE DUTCH SUGGESTION TO COVER THE EXAMPLES IN AN INTERPRETATIVE STATEMENT. HE CIRCULATED ON BEHALF OF THE COSPONSORS, THE FOLLOWING DRAFT OF A CCD INTERPRETATIVE STATEMENT TO BE INCLUDED IN ITS REPORT TO UNGA: "IT IS THE UNDERSTANDING OF THE COMMITTEE THAT THE FOLLOWING EXAMPLES ARE ILLUSTRATIVE OF PHENOMENA THAT COULD BE CAUSED BY THE USE OF ENVIROMENTAL MODIFICATION TECHNIQUES AS DEFINED IN ARTICLE II OF THE CONVENTION: EQRTHQUAKES; TSUNAMIS; AN UPSET IN THE ECOLOGICAL BALANCE OF A REGION; CHANGES IN WEATHER PATTERNS (CLOUDS, PRECIPITATION, CYCLONES, OF VARIOUS TYPES AND TORNADIC STORMS); CHANGES IN CLIMATE PATTERNS; CHANGES IN THE STATE OF THE OZONE LAYER; CHANGES IN THE STATE OF THE IONOSPHERE; AND CHANGES IN OCEAN CURRENTS.

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"IT IS FURTHER UNDERSTOOD THAT ALL THE PHENOMENA LISTED ABOVE, IF PRODUCED BY THE HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES, WOULD RESULT, OR COULD REASONABLY BE EXPECTED TO RESULT, IN WIDESPREAD, LONG-LASTING, OR SEVERE DAMAGE, DESTRUCTION, OR INJURY. THUS, THE HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES AS DEFINED IN ARTICLE II, SO AS TO CAUSE LIMITED OFFICIAL USE

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THOSE PHENOMENA AS A MEANS OF DAMAGE, DESTRUCTION, OR INJURY TO ANOTHER STATE PARTY WOULD BE PROHIBITED.

"IT IS RECOGNIZED, MOREOVER, THAT THE LIST OF EXAMPLES SET OUT ABOVE IS NOT EXHAUSTIVE. OTHER PHENOMENA CAPABLE OF BEING PRODUCED BY ENVIRONMENTAL MODIFICATION TECHNIQUES AS DEFINED IN ARTICLE II COULD ALSO BE APPROPRIATELY INCLUDED. THE ABSENCE OF SUCH PHENOMENA FROM THE LIST DOES NOT IN ANY WAY IMPLY THAT THE UNDERTAKING CONTAINED IN ARTICLE I WOULD NOT BE APPLICABLE TO THOSE PHENOMENA PROVIDED THE CRITERIA SET OUT IN THAT ARTICLE WERE MET."

6. PAKISTANI REP (SALEEM) STATED HE WOULD PREFER TO DO WITHOUT THE INTERPRETATIVE STATEMENT, SINCE ITS DISCUSSION WOULD PROBABLY CAUSE THE SAME DIFFICULTIES WHICH RESULTED IN THE REMOVAL OF THE LIST OF EXAMPLES FROM THE CONVENTION. JAPANESE REP (OGIOS) EXPRESSED STRONG PREFERENCE FOR RETAINING LIST OF EXAMPLES IN SOME FORM. OGIOS SAID THAT DRAFT STATEMENT SEEMS TO FULFILL HIS TWO REQUIREMENTS: (A) IT INDICATES THAT, IF PRODUCED BY HOSTILE USE OF ENMOD TECHNIQUES AND IF OTHERWISE WITHIN THE PROVISIONS OF ARTICLE I, THE EFFECTS LISTED WOULD BE PROHIBITED; AND (B) IT INDICATES THAT THE LIST IS NOT EXHAUSTIVE, SO THAT A PARTY COULD NOT BE PRECLUDED FROM

BRINGING AN EFFECT NOT MENTIONED TO THE ATTENTION OF OTHER PARTIES AS A POSSIBLE VIOLATION OF THE ARTICLE I PROHIBITION.

7. BURMESE REP (U THET TUN) SAID THAT TO A LAYMAN THE INTERPRETATIVE STATEMENT CLARIFIES WHAT THE CONVENTION IS ABOUT, AND IS THEREFORE WORTHWHILE. INDIAN REP (MISHRA) SAID HE CAN GO ALONG WITH THE INTERPRETATIVE STATEMENT, BUT THAT IF AGREEMENT CANNOT BE REACHED ON THE PART OF THE CCD AS A WHOLE, THEN THE CO-SPONSOR SHOULD BE PREPARED TO MAKE SUCH A DECLARATION THEMSELVES. BRAZILIAN REP (MASTROGIOVANNI) SAID THAT THE INTERPRETATION IS ACCEPTABLE ON A PRELIMINARY BASIS, BUT THAT HE REMAINED STRONGLY OPPOSED TO ANY ADDITIONS TO THE LIST WHEREEVER IT MIGHT APPEAR.

8. BURMESE REP NOTED THAT THE JAPANESE SUGGESTION ON LIMITED OFFICIAL USE

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ADDING AN EXAMPLE RELATING TO ICE AND SNOW MASSES HAD NOT BEEN ACTED UPON BY THE CO-SPONSORS. FRG REP (SCHLAICH) RECOMMENDED INSERTING THE WORDS "AND/OR HYDROLOGICAL" AFTER THE WORD "ECOLOGICAL" IN PARA 1 OF THE STATEMENT, SO THAT IT WOULD READ "AN UPSET IN THE ECOLOGICAL AND/OR HYDROLOGICAL BALANCE OF A REGION;". NETHERLANDS (MEERGURG) AND PAKISTAN (SALEEN SUPPORTED FRG SUGGESTION, BUT CANADIAN REP (SIMARD) RETORTED THAT THE TERM "ECOLOGICAL" INCLUDES THE TERM "HYDROLOGICAL," SO THAT THE ADDITION IS UNNECESSARY. FRG REP (SCHLAICH) SEEMED TO CONCEDE THE POINT BUT SAID THAT HE WOULD LIKE TO HAVE THE WORD "HYDROLOGICAL" ADDED ANYWAY. NETHERLANDS ALT REP (MEERBURG), DECLARING THAT OCEAN CURRENTS RELATE TO CLIMATE PATTERNS, SUGGESTED MOVING THE PHRASE "CHANGES IN OCEAN CURRENTS" SO THAT IT WOULD IMMEDIATELY FOLLOWP THE "CLIMATE PATTERNS" PHRASE.

9. TO BE CONSISTENT WITH THE PHRASING OF THE CONVENTION ITSELF, THE INDIAN REP (MISHRA) SUGGESTED, THE PHRASE "HOSTILE USE" IN PARA 2 OF THE INTERPRETATIVE DECLARATION SHOULD BE AMENDED TO READ "MILITARY OR ANY OTHER HOSTILE USE." BURMESE REP (U THET TUN), FIRST SUGGESTING THE COMPLETE DELETION OF PARA 2 AND THEN THE DELETION OF THE "IF" CLAUSE IN THE FIRST SENTENCE OF PARA 2, FINALLY SETTLED FOR SAYING "WHEN PRODUCEC . . ." INSTEAD OF "IF PRODUCED . . ." AFTER DISCUSSION OF THESE POINTS, CHAIRMAN-OF-THE-DAY SUGGESTED RESOLVING ALL SUCH ISSUES IN A SMALL CONTACT GROUP, WHICH WOULD THEN REPORT BACK TO THE WORKING GROUP. THIS WAS SUPPORTED BY VARIOUS DELEGATIONS.

10. AFTER A SERIES OF MINOR DRAFTING CHANGES, MAINLY TO ARTICLE V, WERE SUGGESTED BY THE JAPANESE REP (OGISO), GDR REP (HERDER) VOICED HIS CONCERN ABOUT THE "SNAIL'S PACE" WITH WHICH THE ENMOD NEGOTIATIONS ARE PROCEEDING. CITING ARTICLE V COMPROMISE, HERDER SAID THAT VERY COMPLEX PROBLEMS HAD ALREADY BEEN RESOLVED AND THAT THERE IS NO REASON THAT THE FEW ISSUES THAT REMAIN SHOULD BLOCK AGREEMENT THIS YEAR. WHAT IS NEEDED, THE GDR REP DECLARED, IS A CONTINUED SPIRIT OF COOPERATION AND MAXIMUM FLEXIBILITY, SO THAT THE REMAINING OBSTACLES LIMITED OFFICIAL USE

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CAN BE OVERCOME.

11. THE NEXT MEETING OF THE ENMOD WORKING GROUP IS SCHEDULED FOR TUESDAY, AUGUST 24 AT 4:00 PM. CATTO

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Message Attributes

Automatic Decaptioning: X
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Decaption Date: 01 JAN 1960
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Disposition Approved on Date:
Disposition Authority: BoyleJA
Disposition Case Number: n/a
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Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Original Handling Restrictions: n/a
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Margaret P. Grafeld
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